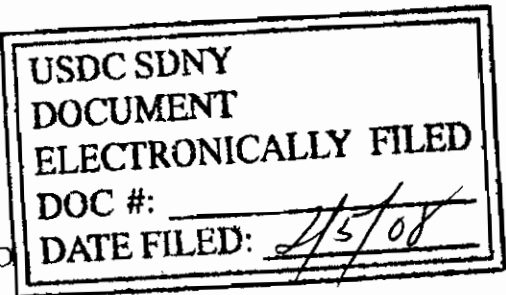


RICE & AMON
ATTORNEYS AT LAW
FOUR EXECUTIVE BOULEVARD
SUITE 100
SUFFERN, NEW YORK 10901
(845) 357-4000
Fax: (845) 357-0765

TERRY RICE *
CLAUDIA AMON
* ADMITTED TO PRACTICE IN N.Y. & N.J.

SHELDON DAMSKY
OF COUNSEL



February 4, 2008
Via Fax (212) 805-7941

Hon. Loretta A. Preska
United States Courthouse
500 Pearl Street
Room 1320
New York, New York 10007

Re: Mc Culloch v. Town of Milan
07 Civ 9780 (LAP)(RLE)

Dear Judge Preska:

I represent the Defendants in the above-captioned matter. The Defendants previously moved to dismiss the complaint. Subsequent to the filing of Defendants' motion papers, Plaintiff filed an amended complaint which I received last week. Prior to the filing of the amended complaint, the parties had agreed on a briefing schedule for the initial motion to dismiss, which was approved by the Court. As a consequence of the filing of the amended complaint, the pending motion to dismiss is moot.

Having had an opportunity to review the amended complaint, it is apparent that Plaintiff has made substantial changes in the amended complaint. The Defendants intend to file a new motion to dismiss the amended complaint. As a consequence of what essentially is a new motion and intervening time commitments, I request that Defendants be permitted to answer or move with respect to the amended complaint on or before February 29, 2008.

I understand that Plaintiff and her attorney are out of town until February 11, 2008, and, consequently, I have not had an opportunity to discuss the foregoing date with counsel. The attorneys for the parties have, with the Court's approval, been able to amicably coordinate briefing schedules and return dates. I anticipate that if the Court is agreeable to the foregoing, we can agree upon acceptable dates for the filing of Plaintiff's opposition and the filing of a reply.

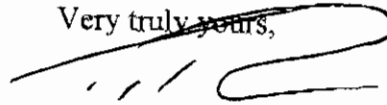
SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

February 5, 2008

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, consisting of a series of loops and strokes, positioned above the printed name Terry Rice.

Terry Rice

TR-wp-0204/20-21
cc: W. Barish (914) 285-1291